

EXHIBIT “A”

STATE COURT FILE

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COMP

MARCUS A. BERG, ESQ.

Nevada Bar No. 9760

marcus@mossberglv.com

JOHN C. FUNK, ESQ.

Nevada Bar No. 9255

john@mossberglv.com

MOSS BERG INJURY LAWYERS

4101 Meadows Lane, Suite 110

Las Vegas, Nevada 89107

Telephone: (702) 222-4555

Facsimile: (702) 222-4556

Attorneys for Plaintiff

CASE NO: A-20-826252-C

Department 31

DISTRICT COURT

CLARK COUNTY, NEVADA

LINDA SEVERSON,

Plaintiff,

v.

SMITH'S FOOD & DRUG CENTERS,
INC., a Foreign Corporation, d/b/a
SMITHS; DON ENGLAND, an Individual;
DAVID HUFFER, an Individual DOE
EMPLOYEE; DOES I through X; and ROE
CORPORATIONS I through X, inclusive,

Defendants.

CASE NO.
DEPT. NO.

COMPLAINT

Plaintiff, LINDA SEVERSON, by and through her attorneys, MARCUS A. BERG, ESQ., and JOHN C. FUNK, ESQ., of the law firm of MOSS BERG INJURY LAWYERS, and for her causes of action against Defendant, hereby alleges as follows:

1. That at all times relevant to these proceedings, Plaintiff, LINDA SEVERSON was and is a resident of Clark County, Nevada.

1 2 Plaintiff is informed, believes, and thereon alleges that at all times relevant to
2 these proceedings, Defendant, SMITH'S FOOD & DRUG CENTERS, INC. (hereinafter
3 referred to as Defendant "SMITH'S"), was and is a Foreign Corporation, organized and existing
4 pursuant to the laws of the State of Nevada, and authorized to do and doing business in Clark
5 County, Nevada, as SMITH'S, located at 2255 East Centennial Parkway, North Las Vegas,
6 Nevada 89081 (hereinafter referred to as "Subject Premises").

8 3. Plaintiff is informed, believes and thereon alleges that at all times relevant to
9 these proceedings, Defendant, DON ENGLAND (hereinafter referred to as Defendant
10 "ENGLAND") is a citizen and resident of Nevada and was one of the store managers of
11 Defendant, SMITH'S and is a resident of Clark County, Nevada and was responsible for
12 managing the SMITH'S located at 2255 East Centennial Parkway, North Las Vegas, Nevada
13 89081, in Clark County, Nevada, including but not limited to, inspecting and/or maintaining the
14 Subject Premises of Defendant, SMITH'S and making sure the Subject Premises is safe and free
15 from hazardous conditions for guests.

17 4. Plaintiff is informed, believes and thereon alleges that at all times relevant to
18 these proceedings, Defendant, DAVID HUFFER (hereinafter referred to as Defendant
19 "HUFFER") is a citizen and resident of Nevada and was one of the store manager of Defendant,
20 SMITH'S and is a resident of Clark County, Nevada and was responsible for managing the
21 SMITH'S located at 2255 East Centennial Parkway, North Las Vegas, Nevada 89081, in Clark
22 County, Nevada, including but not limited to, inspecting and/or maintaining the Subject
23 Premises of Defendant, SMITH'S and making sure the Subject Premises is safe and free from
24 hazardous conditions for guests.

27 5. Plaintiff is informed, believes, and thereon alleges that at all times relevant to
28 these proceedings, Defendant, DOE EMPLOYEE was and is an unknown employee of

1 Defendant, SMITH'S and was and is a resident of Clark County, Nevada, and was responsible
2 for inspecting and/or maintaining the Subject Premises. Plaintiff will ask leave of this Court to
3 amend her Complaint to insert the true names and capacities of DOE EMPLOYEE when the
4 same have been fully ascertained.

5
6 6. That the true names and capacities, whether individual, corporate, associate or
7 otherwise of Defendants named herein as DOES I through X are unknown to Plaintiff who,
8 therefore, sues said Defendants by said fictitious names. Plaintiff is informed, believes, and
9 thereon alleges that each of the Defendants designated as DOES are responsible in some manner
10 for the events and happenings referred to herein, specifically for creating and/or allowing a
11 hazardous condition to exist on the Subject Premises, which caused damages proximately to
12 Plaintiff as herein alleged. Plaintiff will ask leave of this Court to amend her Complaint to insert
13 the true names and capacities of DOES I through X when the same have been fully ascertained
14 and to join such Defendants in this action. At all times mentioned herein, each Defendant was
15 acting as the agent, servant, and/or employee of each other Defendant.

16
17 7. That the true names and capacities, whether individual, corporate, associate or
18 otherwise of Defendants named herein as ROE CORPORATIONS I through X are unknown to
19 Plaintiff who, therefore, sues said Defendants by said fictitious names. Plaintiff is informed,
20 believes, and thereon alleges that each of the Defendants designated as ROE CORPORATIONS
21 are responsible in some manner for the events and happenings referred to herein, specifically for
22 creating and/or allowing a hazardous condition to exist on Defendant's premises, which caused
23 damages proximately to Plaintiff as herein alleged. Plaintiff will ask leave of this Court to
24 amend her Complaint to insert the true names and capacities of ROE CORPORATIONS I
25 through X when the same have been fully ascertained and to join such Defendants in this action.
26
27 At all times mentioned herein, each Defendant was acting as the agent, servant, and/or
28

1 employee of each other Defendant.

2 8. That on or about December 23, 2018, Plaintiff was a guest on the Subject
3 Premises, commonly known as SMITH'S.

4 9. At that same time and place, Defendants, and each of them, so carelessly and
5 negligently created, owned, controlled, inspected, and/or maintained the premises in an unstable
6 and dangerous manner so as to allow a hazardous condition, to exist on the Subject Premises,
7 specifically, an improperly maintained walkway near the store entrance where Defendants were
8 aware numerous customers would be constantly walking, and a substance was present on the
9 floor that made it unreasonably slippery, which, without proper warning of the hazard, caused
10 Plaintiff to slip and fall, as she was entering the store after unsuccessfully attempting to retrieve
11 a shopping cart from the shopping cart well, and as a proximate result thereof, Plaintiff was
12 seriously injured.

13 10. That as a direct and proximate result of the Defendants, and each of them, and/or
14 their employee/agent's negligent acts and/or omissions and/or breach of duty, Defendants
15 forced Plaintiff to encounter a dangerous condition by creating and/or allowing a slick substance
16 and/or surface to exist on the floor of an improperly maintained main walkway, to exist on the
17 Subject Premises, thereby causing Plaintiff to slip and fall.

18 11. Defendants ENGLAND and HUFFER were responsible for establishing and/or
19 carrying out policies and procedures setting forth reasonable precautions to prevent dangerous
20 conditions on Defendant SMITH's floors created by customers performing tasks traditionally
21 performed by employees, and/or hiring, training, and supervising employees to carry out those
22 tasks.

23 12. Defendants, and each of them, carelessly and negligently failed to warn of a
24 hazard with respect to the Subject Premises, thereby forcing Plaintiff to encounter a dangerous
25

1 condition on the Subject Premises, resulting in Plaintiff sustaining serious injuries and damages.

2 13. That as a further direct and proximate result of the negligence, carelessness, and
3 recklessness of Defendants, Plaintiff sustained severe and debilitating injuries to her wrists,
4 arms, head, face, shoulders and ribs among others, all or some of which conditions may be
5 permanent or disabling in nature, causing general damages in an amount to be determined at
6 trial.
7

8 14. This Court has subject matter jurisdiction over this matter pursuant to NRS
9 4.370(1), as the matter in controversy exceeds Fifteen Thousand Dollars (\$15,000.00) exclusive
10 of attorney's fees, interest, and costs.

11 15. That as a further direct and proximate result of the negligence, carelessness, and
12 recklessness of Defendants, Plaintiff was required, and will be required in the future, to incur
13 expenses for medical care and treatment and costs incidental thereto in an amount to be
14 determined.
15

16 16. That as a further direct and proximate result of the negligence, carelessness, and
17 recklessness of Defendants, Plaintiff has incurred substantial out-of-pocket expenses, including,
18 but not limited to, money spent for prescriptions, medication, and uncovered medical expenses.
19

20 17. That as a further direct and proximate result of the negligence, carelessness, and
21 recklessness of Defendants, Plaintiff has endured physical and emotional pain and suffering. It
22 is further expected that Plaintiff will be forced to endure future physical and emotional pain
23 associated with her continued medical treatment, recuperation, physical therapy and limitations
24 associated with her injuries into the foreseeable future.
25

26 18. That as a further direct and proximate result of the negligence, carelessness, and
27 recklessness of Defendants, Plaintiff has suffered and continues to suffer a significant
28 deterioration in Plaintiff's enjoyment of life and lifestyle.

1 19. That Plaintiff has had to retain the services of an attorney to prosecute this action
2 and is, therefore, entitled to reasonable attorney's fees and costs of suit incurred herein.

3 WHEREFORE, Plaintiff, expressly reserving the right to amend her Complaint at the
4 time of trial of the actions herein to include all items of damages not yet ascertained, demands
5 judgment against Defendants, and each of them, as follows:
6

- 7 1. General damages in an amount in excess of \$15,000.00;
8 2. Damages for costs of medical care and treatment and costs incidental thereto,
9 when the same have been fully ascertained;
10 3. Reasonable attorney's fees and costs of suit incurred herein; and
11 4. For such other and further relief as the Court may deem proper in the premises.
12

13 DATED this 7 th day of December 2020.

14 MOSS BERG INJURY LAWYERS

15
16 By: 

MARCUS A. BERG, ESQ.

Nevada Bar No. 9760

marcus@mossberglv.com

JOHN C. FUNK, ESQ.

Nevada Bar No. 9255

john@mossberglv.com

4101 Meadows Lane, Suite 110

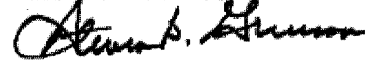
Las Vegas, Nevada 89107

Telephone: (702) 222-4555

Facsimile: (702) 222-4556

Attorneys for Plaintiff

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AOS

**DISTRICT COURT , CLARK COUNTY
CLARK COUNTY, NEVADA**

LINDA SEVERSON

Plaintiff

vs

**SMITHS FOOD AND DRUG CENTERS, INC; Defendant
ET AL.**

CASE NO: A-20-826252-C

HEARING DATE/TIME:

DEPT NO: 31

AFFIDAVIT OF SERVICE

ALYSSA RAKOWSKY being duly sworn says: That at all times herein affiant was and is a citizen of the United States, over 18 years of age, not a party to or interested in the proceedings in which this affidavit is made. That affiant received 1 copy(ies) of the SUMMONS, COMPLAINT, on the 21st day of December, 2020 and served the same on the 22nd day of December, 2020, at 20:18 by:

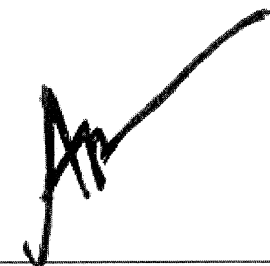
delivering and leaving a copy with the servee DAVID HUFFER at (address) 5768 IRELAND RIDGE CT, LAS VEGAS NV 89149

WHITE MALE 5FT7IN - 5FT11IN 150-180LBS BROWN HAIR BROWN EYES 30-40 YEARS OLD

Pursuant to NRS 53.045

I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.

EXECUTED this 22 day of Dec, 2020.



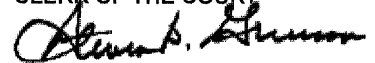
**ALYSSA RAKOWSKY
R-2019-08545**

Junes Legal Service, Inc. - 630 South 10th Street - Suite B - Las Vegas NV 89101 - 702.579.6300 - fax 702.259.6249 - Process License #1068

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AOS

**DISTRICT COURT , CLARK COUNTY
CLARK COUNTY, NEVADA**

LINDA SEVERSON

Plaintiff

vs

SMITHS FOOD AND DRUG CENTERS, INC; Defendant
ET AL.

CASE NO: A-20-826252-C

HEARING DATE/TIME:

DEPT NO: 31

AFFIDAVIT OF SERVICE

MICHELLE HARRIS being duly sworn says: That at all times herein affiant was and is a citizen of the United States, over 18 years of age, not a party to or interested in the proceedings in which this affidavit is made. That affiant received 1 copy(ies) of the SUMMONS, COMPLAINT, on the 21st day of December, 2020 and served the same on the 28th day of December, 2020, at 09:18 by:

serving the servee SMITHS FOOD AND DRUG CENTERS C/O REGISTERED AGENT CORPORATION SERVICE COMPANY by personally delivering and leaving a copy at (address) 112 N CURRY ST., CARSON CITY NV 89703 with KRIS OSBORNE, AUTHORIZED TO ACCEPT pursuant to NRS 14,020 as a person of suitable age and discretion at the above address, which address is the address of the resident agent as shown on the current certificate of designation filed with the Secretary of State.

Pursuant to NRS 53.045

I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.



EXECUTED this 28 day of Dec, 2020.

**MICHELLE HARRIS
2019-09792**

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